

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

2015 APR -6 P 1:36

Alexandria Division

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA

v.

ABDULLAHI AINTE,

Defendant

No. 1:15cr4

**DEFENDANT'S COMBINED SENTENCING BRIEF
AND
POSITION WITH RESPECT TO SENTENCING FACTORS**

COMES NOW THE DEFENDANT, by counsel, who submits the following in support of his position with respect to sentencing in this matter.

1. The Defendant has accepted responsibility for his actions in this case. He has been forthright and contrite. He has not attempted to minimize or downplay the seriousness of his actions.
2. The Defendant has been laboring under extreme economic conditions since he arrived in the United States as a refugee from Somalia. He has nine children and a wife. His wife works as a cleaning lady and his children are striving to become educated and constructive members of American society. At one point, in an effort to move ahead in life, the Defendant became employed by Qaran Financial , LLC, which was a money transfer entity that sent funds from the United States to people living in Somalia. The job ended badly when the principal in the LLC told the Defendant a large sum of money was unaccounted for. The principal told the Defendant that the

three employees of Qaran Financial, LLC would have to “fix it.” Apparently, part of “fixing it” meant the Defendant would have to sign a statement which said he “mishandled” the funds. He did so in an effort to resolve the conflict with his employer. The Defendant did not embezzle the funds. Regardless, the job ended badly for the Defendant.

3. With the Defendant’s signed statement in hand, Qaran Financial, LLC took a default judgment against him in the Circuit Court for Fairfax County, Virginia, for the amount of money the Defendant allegedly mishandled. The judgment precipitated extreme financial distress for the Defendant and he was forced to file for personal bankruptcy protection in the Alexandria Division of the US Bankruptcy Court for the Eastern District of Virginia.¹
4. The two loans which the Defendant obtained through, inter alia, false statements regarding his income have both been paid according to the terms of the loans. The Defendant made no attempt to discharge the loans in his bankruptcy proceeding.
5. With respect to the Presentence Investigation Report prepared by the United States Probation Officer in this case, the Defendant is “being held accountable for \$6,490.63 in actual loss.” While that would be accurate if the Defendant were to cease making payments on the loan as of the date of the presentence report, if the Court allows the Defendant to remain free and working while on probation, there would be no actual loss to the lenders. It is also notable that the lenders have not filed a Victim Impact

¹ Case Number 14-12437-BJK, filed June 27, 2014.

Statement² to date which may reflect the fact they have suffered no pecuniary loss to date.³

6. The Defendant respectfully requests the Court to allow the Defendant to remain free from incarceration to work to repay his debts to the lenders in this case, and to help in the support of his large family. He has tested negative for illegal substance use. He is a devout Muslim and abstains from alcohol and drug use. If given the opportunity by the Court, the Defendant will demonstrate complete compliance with his terms of probation. He will work to repay his debts and support his family. The Court does not need to be concerned about protecting the public from the Defendant. He will not repeat the offense he is convicted of in this proceeding.
7. The Defendant recently learned his blood pressure is elevated and he has embarked on a dietary program to reduce his weight. Incarceration at this time would be harmful to his health. He is 62 years old and under a great deal of stress which would only worsen if he was incarcerated.
8. Essentially, the Defendant is a good person who made bad choices for arguably decent reasons. He used the proceeds of the unlawfully obtained loans to obtains vehicles used for working as a taxi driver (the Nissan Quest), and allowing his children to commute to school (the Nissan Versa).

WHEREFORE the Defendant requests the Court to place him on probation for no more than two years so that he can continue to repay the loans he obtained through false statements. In this way, the lenders will suffer no economic harm and the Defendant stands a better chance of remaining in good health so he can support his large family.

² See Presentence Investigation Report, Page 5, paragraph 9.

³ See Presentence Investigation Report, Page 4, paragraph 8.

The larger societal goals of punishment and deterrence are not necessary in this particular case because the Defendant has accepted full responsibility for his actions and has no prior criminal record.

Abdullahi Ainte, by counsel

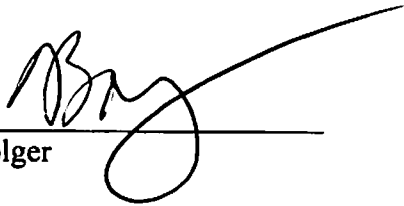
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing notice was sent by first class mail, postage prepaid, and by email to Assistant United States Attorney Allison Ickovic, at 2100 Jamison Avenue, Alexandria, VA 2314, and allison.b.ickovic@usdoj.gov.

Date: April 6, 2014


Richard O Bolger